

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

PHE, INC.,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No. 4:13-cv-01660
)	
ERIC SAUER,)	Hon. Henry E. Autrey
)	
<i>Defendant.</i>)	<i>JURY TRIAL DEMANDED</i>
_____)	

**VOLUNTARY DISMISSAL OF ERIC SAUER PURSUANT
TO FED. R. CIV. P. 41(A)(1)(A)(i)**

Plaintiff hereby files this Notice of Dismissal of Defendant Eric Sauer. Mr. Sauer has filed neither an answer to the complaint nor a motion for summary judgment with respect to the same. Dismissal under Rule 41(A)(1)(a)(i) of the Federal Rules of Civil Procedure is therefore appropriate. Dismissal of Defendant Eric Sauer will conclude this action.

Plaintiff hereby dismisses Defendant Eric Sauer **with prejudice**.

October 16, 2013

Respectfully submitted,
PHE, Inc.,

By its Attorneys,
SIMMONS BROWDER GIANARIS
ANGELIDES & BARNERD LLC

By: /s/ Paul A. Lesko

Paul A. Lesko
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CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2013, I electronically filed the foregoing document via the Court's ECF, electronic email system, upon all of record:

/s/ Paul A. Lesko
Paul A. Lesko – Simmons Browder Gianaris
Angelides and Barnerd, LLC